



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

COPY

MAR 22 2001

REPLY TO THE ATTENTION OF

DW-8J

CERTIFIED MAIL: 7099 3400 0000 9598 9891
RETURN RECEIPT REQUESTED

Mr. David Craig
Detrex Corporation
P.O. BOX 5111
Southfield, Michigan 48086-5111

US EPA RECORDS CENTER REGION 5



1004853

RE: Final Permit
Detrex Corporation
MID 091 605 972

Dear Mr. Craig:

Enclosed is a copy of the Federal portion of a Resource Conservation and Recovery Act (RCRA) Hazardous Waste permit for the above-referenced facility. The Hazardous Waste permit contains both Federal permit conditions (contained herein) and State permit conditions, which were issued separately by the State of Michigan RCRA program authorized under Title 40 of the Code of Federal Regulations (40 CFR) Part 271. When both this portion and the State permit are effective, Detrex Corporation will have an effective RCRA Hazardous Waste permit authorizing only those hazardous waste management activities specified in the RCRA Hazardous Waste permit.

This Federal permit is effective on the date indicated on the signature page of the Federal permit. Eligibility to appeal the Federal permit is discussed further in 40 CFR 124.19. The original and one copy of the petition must be received by U.S. EPA in Washington, D.C., at the address indicated below within 30 days after service of notice of the final permit decision.

United States Environmental Protection Agency
Environmental Appeals Board (MC-1103H)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Submissions can also be made by hand-delivery at the following address:

United States Environmental Protection Agency
Environmental Appeals Board
Westory Building
607 14th Street, NW
Suite 500
Washington, D.C. 20005


A copy of the petition should also be sent to:

Waste Management Branch (DW-8J)
U.S. EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

The procedures for filing an appeal are found in 40 CFR 124.19. The administrative appeal procedures must be completed prior to any action seeking judicial review.

This Federal permit is effective March 22, 2001. It shall remain valid until January 31, 2011, unless the Federal permit is revoked and reissued, or terminated pursuant to 40 CFR 270.41 and 270.43. Failure to comply with any conditions of the Federal permit may result in civil and/or criminal penalties.

Sincerely,


Robert Springer, Director
Waste, Pesticides and Toxics Division

Enclosure

cc. Ronda Blayer, MDEQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) PERMIT

Facility Name and Location: Detrex Corporation Solvents &
Environmental Services Division
12886 Eaton Ave.
Detroit, MI 48227

Owner: Detrex Corporation
Operator: Detrex Corporation

U.S. EPA Identification Number: MID 091 605 972

Effective Date: March 22, 2001

Expiration Date: January 31, 2011

Authorized Activities:

The United States Environmental Protection Agency ("U.S. EPA") hereby issues a Resource Conservation and Recovery Act (RCRA) permit (hereinafter referred to as the "permit") to **The Detrex Corporation** (hereinafter referred to as the "Permittee," or addressed in the second person as "you") in connection with the hazardous waste storage activities at 12886 Eaton Ave., Detroit, Michigan.

Specifically, this permit addresses (1) air emissions from the storage of hazardous waste in containers in accordance with 40 CFR 264.1080 *et seq.* (also referred to as "Subpart CC"), (2) certain restrictions and prohibitions on land disposal of hazardous wastes in accordance with 40 CFR Part 268, and (3) other Federal regulations which have not yet been delegated to the State. This permit is issued under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, and the Hazardous and Solid Waste Amendments ("HSWA") of 1984 (42 USC § 6901 *et seq.*) (collectively referred to as "RCRA") and

U.S. EPA's regulations promulgated thereunder (codified, and to be codified, in Title 40 of the Code of Federal Regulations ("40 CFR")).

The RCRA permit is comprised of both this permit, which contains the effective Federal RCRA permit conditions, and the effective State RCRA permit conditions issued by the State of Michigan's RCRA program authorized under 40 CFR Part 271 (hereinafter called the "State-issued portion of the RCRA permit"). The RCRA permit authorizes you to conduct waste management activities as specified in the RCRA permit.

Permit Approval:

On October 30, 1986, the State of Michigan received final authorization pursuant to Section 3006 of RCRA, 42 USC § 6926, and 40 CFR Part 271, to administer the pre-HSWA RCRA hazardous waste program. The State of Michigan has also received final authorization to administer certain additional RCRA requirements on several occasions since then. However, because the U.S. EPA has not yet authorized the State of Michigan to administer certain regulations, including the air emission standards for tanks and containers handling hazardous wastes (see 40 CFR § 264.1030 *et seq.*, also known as "Subpart CC"), certain recent additions to the regulations covering the land disposal restrictions (40 CFR § 268), and recent changes to other sections of applicable regulations, U.S. EPA Region 5 is issuing the RCRA permit requirements for operations at the Permittee's facility which fall under these regulations.

You must comply with all terms and conditions contained in this permit. This permit consists of all the conditions contained herein, the documents listed in all documents attached hereto and all documents cross-referenced in these documents, approved submittals (including plans, schedules and other documents), and the applicable regulations contained in 40 CFR Parts 260, 261, 262, 264, 268, 270 and 124, and applicable provisions of RCRA (hereinafter referred to as the permit).

This permit is based on the assumptions that (1) the information submitted in the Permittee's RCRA permit application dated December 27, 1996, and in any subsequent modifications to that application (hereinafter referred to as the "Application") is accurate, and (2) the facility is configured, operated and maintained as specified in the permit application.

Any inaccuracies in the submitted information may be grounds for the U.S. EPA to terminate, revoke and reissue, or modify this permit in accordance with 40 CFR §§ 270.41, 270.42 and 270.43; and for enforcement action. You must inform the U.S. EPA of any deviation from, or changes in, the information in the Application that might affect your ability to comply with the applicable regulations or conditions of this permit.

Opportunity to Appeal:

Petitions for review must be submitted within 30 days after the U.S. EPA serves notice of the final permit decision. Any person who filed comments on the draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may file a petition for review only to the extent of the changes from the draft to the final permit decision. The procedures for permit appeals are found in 40 CFR § 124.19.

Effective Date:

This permit is effective as of March 22, 2001 and will remain in effect until January 31, 2011, unless revoked and reissued under 40 CFR § 270.41, terminated under 40 CFR § 270.43, or continued in accordance with 40 CFR § 270.51(a).

By:



Robert Springer, Director
Waste, Pesticides and Toxics Division

Date:

March 22, 2001

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SECTION I—STANDARD PERMIT CONDITIONS

I.A EFFECT OF PERMIT

You are hereby allowed to manage hazardous waste in accordance with this permit. Under this permit, the storage of RCRA hazardous waste must comply with all air emission standards, land disposal restriction requirements, and all other terms and conditions in this permit. (Other aspects of the storage of RCRA hazardous wastes in containers are subject to the conditions in the State-issued portion of the RCRA permit.) Any management of hazardous waste not authorized in the RCRA permit is prohibited.

Subject to 40 CFR § 270.4, compliance with the RCRA permit during its term generally constitutes compliance for purposes of enforcement with Subtitle C of RCRA.

This permit does not: (1) convey any property rights or any exclusive privilege; (2) authorize any injury to persons or property, or invasion of other private rights; or (3) authorize any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued, or any action brought, under: (1) Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; (2) Sections 104, 106(a), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 USC §§ 9601 *et seq.* (commonly known as CERCLA); or (3) any other law protecting public health or the environment from any imminent and substantial endangerment to human health, welfare, or the environment (40 CFR §§ 270.4 and 270.30(g)).

I.B PERMIT ACTIONS

I.B.1 Permit Review, Modification, Revocation and Reissuance, and Termination

The U.S. EPA may review and modify, revoke and reissue, or terminate this permit for cause, as specified in 40 CFR § 270.41, § 270.42, and § 270.43. The U.S. EPA may also review and modify this permit, consistent with 40 CFR § 270.41, to include any terms and conditions it determines are necessary to protect human health and the environment under Section 3005(c)(3) of RCRA. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance on your part will not stay the applicability or enforceability of any permit condition (40 CFR § 270.30(f)).

You must not perform any construction associated with a Class 3 permit modification request until such modification request is granted and the modification becomes effective.

You may perform construction associated with a Class 2 permit modification request beginning 60 days after submission of the request unless the Regional Administrator establishes a later date. (40 CFR § 270.42(b)(8))

I.B.2 Permit Renewal

This permit may be renewed as specified in 40 CFR § 270.30(b) and Condition I.E.2 of this permit. In reviewing any application for a permit renewal, the U.S. EPA will consider improvements in the state of control and measurement technology, and changes in applicable regulations. (40 CFR § 270.30(b) and RCRA Section 3005(c)(3))

I.C SEVERABILITY

This permit's provisions are severable; if any permit provision, or the application of any permit provision to any circumstance, is held invalid, such provision's application to other circumstances and the remainder of this permit will not be affected. Invalidation of any statutory or regulatory provision on which any condition of this permit is based does not affect the validity of any other statutory or regulatory basis for that condition. (40 CFR § 124.16(a))

I.D DEFINITIONS

The terms used in this permit will have the same meaning as in 40 CFR §§ 124, 260 through 266, 268 and 270, unless this permit specifically provides otherwise. Where neither the regulations nor the permit define a term, the term's definition will be the standard dictionary definition or its generally accepted scientific or industrial meaning.

I.E DUTIES AND REQUIREMENTS

1.E.1 Duty to Comply

You must comply with all conditions of this permit, except to the extent and for the duration for which an emergency permit authorizes such noncompliance (see 40 CFR § 270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of RCRA and will be grounds for: enforcement action; permit termination; revocation and reissuance; or modification; or denial of a permit renewal application. (40 CFR § 270.30(a))

I.E.2 Duty to Reapply

If you wish to continue a permit regulated activity after the permit expiration date, you must apply for and obtain a new permit. You must submit a complete application for a new permit at least 180 days before the permit expiration date, unless the Regional Administrator grants permission for a later submittal date. The Regional Administrator will not grant permission to submit the complete application for a new permit later than the permit's expiration date. (40 CFR § 270.10(h) and § 270.30(b))

I.E.3 Permit Expiration

Unless revoked or terminated, this permit and all conditions herein will be effective for a fixed term not to exceed 10 years from this permit's effective date. This permit and all conditions herein will remain in effect beyond the permit's expiration date if you have submitted a timely, complete application (40 CFR § 270.10 and §§ 270.13 through 270.29), and, through no fault of your own, the Regional Administrator has not made a final determination regarding permit reissuance. (40 CFR §§ 270.50 and 270.51)

I.E.4 Need to Halt or Reduce Activity Not a Defense

In an enforcement action, you are not entitled to a defense that it would have been necessary to halt or reduce the permitted activity to maintain compliance with this permit. (40 CFR § 270.30(c))

I.E.5 Duty to Mitigate

In the event of noncompliance with this permit, you must take all reasonable steps to minimize releases to the environment resulting from the noncompliance and must implement all reasonable measures to prevent significant adverse impacts on human health and the environment. (40 CFR § 270.30(d))

I.E.6 Proper Operation and Maintenance

You must always properly operate and maintain all facilities and treatment and control systems (and related appurtenances) that you install or use to comply with this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires you to operate back-up or auxiliary facilities or similar systems only when necessary to comply with this permit. (40 CFR § 270.30(e))

I.E.7 Duty to Provide Information

You must provide the Regional Administrator, within a reasonable time, any relevant information that the Regional Administrator requests to determine whether there is cause to modify, revoke and reissue, or terminate this permit, or to determine permit compliance. You must also provide the Regional Administrator, upon request, with copies of any records this permit requires. The information you must maintain under this permit is not subject to the Paperwork Reduction Act of 1980, 44 USC §§ 3501 *et seq.* (40 CFR §§ 264.74(a) and 270.30(h))

I.E.8 Inspection and Entry

Upon the presentation of credentials and other legally required documents, you must allow the Regional Administrator or an authorized representative to:

I.E.8.a Enter at reasonable times upon your premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;

I.E.8.b Have access to and copy, at reasonable times, any records that you must keep under the conditions of this permit;

I.E.8.c Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

I.E.8.d Sample or monitor any substances at any location at reasonable times, to assure permit compliance or as RCRA otherwise authorizes.
(40 CFR § 270.30(i))

Notwithstanding any provision of this permit, U.S. EPA retains the inspection and access authority which it has under RCRA and other applicable laws.

I.E.9 Monitoring and Records

I.E.9.a Samples and measurements taken for monitoring purposes must be representative of the monitored activity. The methods used to obtain a representative sample of the chemical munition, treatment residue, or other waste to be analyzed must be the appropriate methods from Appendix I of 40 CFR Part 261, or the methods specified in the State approved waste analysis plan, or an equivalent method approved by the Regional Administrator. Laboratory methods must be those specified in *Test Methods for Evaluating Solid Waste*:

Physical/Chemical Methods (SW-846, latest edition), *Methods for Chemical Analysis of Water and Wastes* (EPA 600/4-79-020), or an equivalent method, as specified in the referenced waste analysis plan. (40 CFR § 270.30(j)(1))

I.E.9.b You must retain, at the facility, all records as specified in 40 CFR § 264.74.

I.E.9.c You must submit all monitoring results at the intervals specified in this permit.

I.E.9.d You must retain all reports, records, or other documents, required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the reports, records, or other documents, unless a different period is specified in this permit. The 3-year period may be extended by request of the Regional Administrator at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility (40 CFR §§ 270.30(j) and 270.31)).

I.E.10 Reporting Planned Changes

You must notify the Regional Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. (40 CFR § 270.30(l)(1))

I.E.11 Reporting Anticipated Noncompliance

You must notify the Regional Administrator, in advance, of any planned changes in the permitted facility or activity that may result in permit noncompliance. Advance notice will not constitute a defense for any noncompliance. (40 CFR § 270.30(l)(2))

I.E.12 Certification of Construction

You must not operate any RCRA air emission control devices completed after the effective date of this permit until you have submitted to the Regional Administrator, by certified mail or by hand-delivery, a letter signed both by your authorized representative and by a registered professional engineer. That letter must state that the portions of the facility covered by this permit (including all air emission control devices required by this permit) have been constructed in compliance with the applicable conditions of this permit. In addition, you must not operate the permitted control devices until either:

1. The Regional Administrator or his representative has inspected those portions of the facility and finds them in compliance with the conditions of the permit; or
2. The Regional Administrator waives the inspection.

I.E.13 Transfer of Permits

This permit is not transferable to any person, except after notice to the Regional Administrator. Under 40 CFR § 270.40, the Regional Administrator may require permit modification, or revocation and reissuance to change the Permittee's name and incorporate other RCRA requirements. Before transferring ownership or operation of the facility during its operating life, you must notify the new owner or operator in writing of the requirements of this permit and the requirements of 40 CFR Parts 264, 268, and 270. (40 CFR §§ 264.12(c), 270.30(l)(3), and 270.40(a))

I.E.14 Twenty-Four Hour Reporting

I.E.14.a You must report to the Regional Administrator any noncompliance with this permit that may endanger human health or the environment. Any such information must be promptly reported verbally, but no later than 24 hours after you become aware of the circumstances.

I.E.14.b The report must include the following (40 CFR §§ 270.30(l)(6) and 270.33): (1) Information concerning release of any hazardous waste that may endanger public drinking water supplies; (2) Information of a release or discharge of hazardous waste; or (3) of a fire or explosion from the hazardous waste management facility, that could threaten the environment or human health outside the facility. You must include the following information :

- (1) Name, title and telephone number of the person making the report;
- (2) Name, address and telephone number of the facility owner or operator;
- (3) Date, time and type of incident;
- (4) Location and cause of incident;
- (5) Identification and quantity of material(s) involved;
- (6) Extent of injuries, if any;

- (7) Assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;
- (8) Description of any emergency action taken to minimize the threat to human health and the environment; and
- (9) Estimated quantity and disposition of recovered material that resulted from the incident.

I.E.14.c In addition to the verbal notification required under Conditions I.E.14.a and I.E.14.b of this permit, a written report must also be provided within 5 calendar days after you become aware of the circumstances. The written report must include, but is not limited to, the following:

- (1) Name, address and telephone number of the person reporting;
- (2) Incident description (noncompliance and/or release or discharge of hazardous waste), including cause, location, extent of injuries, if any, and an assessment of actual or potential hazards to the environment and human health outside the facility, where applicable);
- (3) Period(s) in which the incident (noncompliance and/or release or discharge of hazardous waste) occurred, including exact dates and times;
- (4) Whether the incident's results continue to threaten human health and the environment, which will depend on whether the noncompliance has been corrected and/or the release or discharge of hazardous waste has been adequately cleaned up; and
- (5) If the noncompliance has not been corrected, the anticipated period for which it is expected to continue and the steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance.

The Regional Administrator may waive the requirement that written notice be provided within 5 calendar days; however, you will then be required to submit a written report within 15 calendar days of the day on which you must provide verbal notice, in accordance with Conditions I.E.14.a and I.E.14.b of this permit.
(40 CFR § 270.30(1)(6))

I.E.15 Other Noncompliance

You must report all instances of noncompliance not reported under Condition I.E.14 of this permit, when any other permit required reports are submitted. The reports must contain the information listed in Condition I.E.14. (40 CFR § 270.30(l)(10))

I.E.16 Other Information

I.E.16.a Whenever you become aware that you failed to submit or otherwise omitted any relevant facts in the permit application or other submittal, or submitted incorrect information in the permit application or other submittal, you must promptly notify the Regional Administrator of any incorrect information or previously omitted information, submit the correct facts or information, and explain in writing the circumstances of the incomplete or inaccurate submittal. (40 CFR § 270.30(l)(11))

I.E.16.b All other requirements contained in 40 CFR § 270.30 not specifically described in this permit are incorporated into this permit and you must comply with all those requirements.

I.F SIGNATORY REQUIREMENT

You must sign and certify all applications, reports, or information this permit requires, or which are otherwise submitted to the Regional Administrator, in accordance with 40 CFR § 270.11. (40 CFR § 270.30(k))

I.G REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE REGIONAL ADMINISTRATOR

Except as otherwise specified in this permit, all reports, notifications, or other submittals that this permit requires to be sent or given to the Regional Administrator should be sent by certified mail or express mail, or hand-delivered to the U.S. Environmental Protection Agency Region 5, Waste Management Branch, at the following address:

Waste Management Branch, DW-8J
Waste, Pesticides and Toxics Division
U.S. EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

I.H CONFIDENTIAL INFORMATION

In accordance with 40 CFR Part 2 Subpart B, you may claim any information this permit requires, or is otherwise submitted to the Regional Administrator, as confidential. You must assert any such claim at the time of submittal in the manner prescribed on the application form or instructions or, in the case of other submittals, by stamping the words "Confidential Business Information" on each page containing such information. If you made no claim at the time of submittal, the Regional Administrator may make the information available to the public without further notice. If you assert a claim, the information will be treated in accordance with the procedures in 40 CFR Part 2 (40 CFR 270.12).

I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY

You must maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and all amendments, revisions, and modifications to them.

I.I.1 Operating Record

You must maintain in the facility's operating record the documents required by this permit, and by the applicable portions of 40 CFR §§ 264.1035, 1064, 1084, 1088, 1089 and 40 CFR § 264.73 (as they apply to the equipment used to comply with this permit).

I.I.2 Notifications

You must maintain notifications from generators accompanying each incoming shipment of wastes subject to 40 CFR Part 268, Subtitle C, that specify treatment standards, as required by 40 CFR §§ 264.73, 268.7, and this permit.

I.I.3 Copy of Permit

You must keep a copy of this permit on site, including all the documents listed in any attachments, and you must update it as necessary to incorporate any official permit modifications.

I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE

All attachments and documents that this permit requires to be submitted, if any, including all plans and schedules are, upon the Regional Administrator's approval, incorporated by reference and become an enforceable part of this permit. Since required items are essential elements of this permit, failure to submit any of the required items or submission of

inadequate or insufficient information may subject you to enforcement action under Section 3008 of RCRA. This may include fines, or permit suspension or revocation.

This permit also includes the documents attached hereto, all documents cross-referenced in these documents, and the applicable regulations contained in 40 CFR Parts 260, 261, 262, 264, 268, 270 and 124, and applicable provisions of RCRA, all of which are all incorporated herein by reference.

Any noncompliance with approved designs, plans and schedules is noncompliance with this permit. The Regional Administrator may grant written requests for extensions of due dates for submittals required in this permit.

If the Regional Administrator determines that actions beyond those provided for, or changes to what is stated herein, are warranted, the Regional Administrator may modify this permit according to procedures in Condition I.B of this permit.

If any documents attached to this permit are found to conflict with any of the Conditions in this permit, the Conditions will take precedence.

I.K COORDINATION WITH THE CLEAN AIR ACT

You must fully comply with all applicable Clean Air Act (CAA) and RCRA permit limits. Where two or more operating limitations apply, the most stringent operating limitations take precedence.

SECTION II—AIR EMISSIONS STANDARDS

II.A. CONTAINERS

You must comply with all applicable requirements of 40 CFR § 264.1080 through 40 CFR § 264.1090, regarding air emission standards for containers handling hazardous waste.

All containers must be managed under Level 1 and Level 2 control requirements and standards of 40 CFR § 264.1086 (b), (c), and (d).

You must not store containers for longer than 1 year at the facility prior to shipment off-site to another appropriately permitted hazardous waste treatment or disposal facility.

II.A.1. Waste Determination

In accordance with the procedures specified in 40 CFR § 264.1083, you must determine the average volatile organic (VO) concentration of generated hazardous waste at the point of generation and the treated hazardous waste. You must determine the maximum organic vapor pressure of a hazardous waste.

II.A.2 Containers Exempt From Subpart CC Control Standards

Under this permit, you must demonstrate that for each container you claim to be exempt under 40 CFR 1082(c), the average VO concentration for hazardous waste, determined in accordance with 40 CFR §§ 264.1083(a) and 265.1084(a)(2) and (3), is less than 500 ppm by weight. For each container, you must review and update this determination in accordance with 40 CFR § 264.1082(c)(1) at least once every 12 months following the date of the initial determination. For each container, you must prepare and maintain the records described in 40 CFR § 264.1089(f). These records must be maintained as part of the operating record.

II.A.3 Duty to Comply with Future Requirements

You shall comply with all self-implementing provisions of any future air regulations promulgated under the provisions of Section 3004 (n) of RCRA, as amended by HSWA.

SECTION III. -- LAND DISPOSAL RESTRICTIONS

You must comply with the following Conditions only to the extent that the parallel Conditions of the State-issued portion of the RCRA permit were not issued under the authorized authority of RCRA.

III.A. GENERAL CONDITIONS

- III.A.1** You must comply with all the applicable self-implementing requirements of 40 CFR Part 268 and all applicable land disposal requirements which become effective by statute. (42 U.S.C. §6924)
- III.A.2** A mixture of any restricted waste with nonrestricted waste(s) is a restricted waste under 40 CFR Part 268.
- III.A.3** Except as expressly allowed under 40 CFR Part 268, you must not in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with

40 CFR Part 268, Subpart D, to circumvent the effective date of a prohibition in 40 CFR Part 268, Subpart C, to otherwise avoid a prohibition in 40 CFR Part 268, Subpart C, or to circumvent a land disposal prohibition imposed by Section 3004 of RCRA.

- III.A.4** You must prepare and maintain a current list of the hazardous waste codes handled by the facility that are identified in 40 CFR 268, Subparts B and C. The list must include all waste codes handled by the facility, and any associated treatment standards, and shall be updated through the inclusion of new treatment standards, as promulgated or amended. This list must be provided to the U.S. EPA representatives, or their designees, upon request.

III.B. TESTING AND RELATED REQUIREMENTS

- III.B.1** In accordance with 40 CFR 268.7(a), you must test any waste generated at the facility, or use knowledge of the waste, to determine if the waste is restricted from land disposal.
- III.B.2** You must comply with all applicable treatment standards provided in 40 CFR 268 Subpart D.
- III.B.3** You must comply with all the applicable notification, certification, and recordkeeping requirements described in 40 CFR 268.7(a) and (b).

III.C STORAGE PROHIBITIONS

- III.C.1** You must comply with all the applicable prohibitions on storage of restricted wastes specified in 40 CFR Part 268, Subpart E.
- III.C.2** Except as otherwise provided in 40 CFR 268.50, you may store restricted wastes in tanks and containers solely for the purpose of the accumulation of such quantities of hazardous wastes as necessary to facilitate proper recovery, treatment, or disposal provided that:
- III.C.2.a** Each container is clearly marked to identify its contents and the date each period of accumulation begins; and
 - III.C.2.b** Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at the facility.

- III.C.3** You may store restricted wastes for up to 1 year unless the U.S. EPA or its authorized agent can demonstrate that such storage was not solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.
- III.C.4** You may store restricted wastes beyond 1 year; however, you bear the burden of proving that such storage was solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.
- III.C.5** You must not store any liquid hazardous waste containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 ppm unless the waste is stored in a storage facility that meets the requirements of 40 CFR 761.65(b). This waste must be removed from storage and treated or disposed as required by 40 CFR Part 268 within 1 year of the date when such wastes are first put into storage. Condition III.C.4. above, which allows storage for over 1 year with specified demonstration, does not apply to PCB wastes prohibited under 40 CFR 268.32.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 22 2001

REPLY TO THE ATTENTION OF:

DW-8J

RE: Detrex Corporation
Detroit, Michigan
MID 091 605 972

Dear Sir/Madam:

On March 22, 2001, the United States Environmental Protection Agency (U.S. EPA), Region 5, issued the Federal portion of a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Permit for the above-referenced facility. When both this portion of the permit and the State of Michigan's portion of the permit are effective, Detrex Corporation has an effective RCRA permit.

This letter supplements the enclosed Response to Comments generated as a result of the public notice for the draft permit. This Response to Comments was prepared by the U.S. EPA and sent to interested parties.

I have made the final decision to issue the Federal portion of the RCRA Hazardous Waste Permit for Detrex Corporation in Detroit, Michigan. Unless review is requested under Title 40 of the Code of Federal Regulations (40 CFR) Section 124.19, the Federal portion of the RCRA permit becomes effective on March 22, 2001.

This permit is effective on the date indicated on the signature page of the permit. Eligibility to appeal this permit is discussed further in 40 CFR 124.19. The original and one copy of the petition must be received by the U.S. EPA in Washington, D.C. at the address indicated below within 30 days of the date of this letter.

Environmental Appeals Board (MC-110 3H)
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

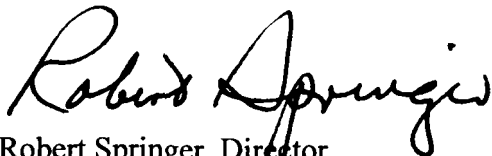
A copy of the petition should also be sent to:

Waste Management Branch (DW-8J)
U.S. EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

The procedures for filing an appeal are found in 40 CFR 124.19. The administrative appeal procedures must be completed prior to any action seeking judicial review.

On behalf of the U.S. EPA, I wish to thank you for your interest in the final permit conditions for the Detrex Corporation in Detroit, Michigan.

Sincerely,

A handwritten signature in black ink, reading "Robert Springer". The signature is written in a cursive style with a large, stylized "R" and "S".

Robert Springer, Director
Waste, Pesticides and Toxics Division

Enclosure

**RESPONSE TO COMMENTS
REGARDING THE FEDERAL
RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) PERMIT
TO BE ISSUED TO DETREX CORPORATION
DETROIT, MICHIGAN
MID 091 605 972**

INTRODUCTION

This response is issued pursuant to Title 40 of the Code of Federal Regulations (40 C.F.R.) Section 124.17, which requires that any changes of draft permit conditions be specified along with the reason for the change; that all significant comments be described and responded to; and that any documents cited in the response be included in the administrative record. Comments were requested regarding the United States Environmental Protection Agency's (U.S. EPA) tentative determination to issue a RCRA permit to the Permittee.

The 45-day public comment period commenced on November 1, 2000, with a public notice in The Metro Times as well as a radio announcement on Detroit radio station WWJ News Radio 950. The termination date of this comment period was December 19, 2000. A public hearing on the draft operating license and the federal RCRA permit was held on December 4, 2000, at the Detroit Office of the Michigan Department of Environmental Quality located at 300 River Place, Suite 2600 in Detroit, Michigan. Copies of the newspaper's clipping of the public notice and the invoice are included in the administrative record. No written comments were received on the draft Federal permit during the public comment period and the public hearing.

Additionally, pertinent information and materials were available at the MDEQ, Detroit Office, located at 300 River Place, Suite 3600, in Detroit, Michigan.

CHANGES TO THE DRAFT PERMIT

Several editorial changes were made. These changes did not change the effect of the technical requirements.

DETERMINATION

Based on a full review of all relevant data provided to the U.S. EPA, the U.S. EPA has determined that the final permit contains such terms and conditions necessary to protect human health and the environment.

RCRA Final Permit Sign-Off Briefing
The Detrex Corporation
Detroit, Michigan
MID 091 605 972

Background and Facility Description

The Detrex Corporation (Detrex) operates at 12886 Eaton Avenue in Detroit, Michigan. The facility is surrounded by various types of land uses, including residential to the west and further to the north, and industrial to the north, south, and east.

The facility operates as a commercial hazardous waste container storage facility for a variety of hazardous wastes that are collected from such industries as metal-working degreasing operations, rubber-molding operations, electronic circuit boards and other components of defluxing operations, paint spraying equipment operations, and other similar types of industries. Containers of hazardous wastes are accumulated for up to 1 year.

The facility consists of two single-story cinder block buildings. Only one of the buildings is used for hazardous waste management operations. Additionally, hazardous wastes may be stored outdoors in containment trailers within a concrete-lined bay surrounded by a fence. The maximum hazardous waste container storage capacity at the facility is 13,750 gallons.

Corrective Actions

Sixteen waste management units have been identified at the facility. Eight of the waste management units (waste management units 6-13) require no further corrective action, based on the design of the units and the available information regarding the units which indicate that no known or suspected releases of contaminants from the unit have occurred. Seven of the waste management units (waste management units 1-5, 15, and 16) require no further corrective action because the units are currently operational and do not appear to have any release of contaminants to the environment from the units. Corrective action for these units will be addressed in conjunction with the closure of the facility in the future. The one remaining waste management unit (waste management unit 14, historical fill), requires further corrective action. Corrective action requirements are addressed in the Michigan Department of Environmental Quality (MDEQ)'s operating license.

Permitting

The U. S. EPA and MDEQ are issuing a 10-year joint RCRA permit (a state operating license and a federal permit) for Detrex. The issuance of the RCRA renewal permit will authorize Detrex to continue to operate the hazardous waste in the container storage facility located in Detroit, Michigan.

The federal permit addresses requirements of the Hazardous and Solid Waste Amendments (HSWA) for which the state of Michigan is not yet authorized. Specifically, this permit addresses air emissions from the storage of hazardous waste in containers (Subpart CC), certain restrictions and prohibitions on land disposal of hazardous waste, and other Federal regulations which have not yet been delegated to Michigan. The Detrex's federal RCRA, permit includes the following conditions for air emissions and land disposal restrictions:

Subpart CC:

- Containers Air Emission Standard
- Waste Determination
- Containers Exempt From Subpart CC Control Standards
- Duty to Comply with Future Requirements

LDR:

- General Conditions
- Testing and Related Requirements
- Storage Prohibitions

23 letters
"Nat Elmdor Control States"

02/23/01

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